IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8060 OF 2005

Tayyab Tahir Ansari & Ors. .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.A.P.Mundergi, Senior Advocate with
Mr.S.R.Mithare for applicant.
Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 19th December 2005.

P.C.

. Heard Mr.Mundergi for applicant and Mr.Saste, A.P.P. for State. Perused the

statement of Mrs.Farzana Begam, mother of deceased Rehana. From perusal of this statement which is recorded on 15th March 2005 i.e. about 2 and half months from the date of incident it is seen that all that is attributed to the present applicants who are brother in laws of deceased is that they ill-treated and harassed deceased and repeatedly told her to get money from her parents. Month of such harassment and ill-treatment is mentioned in this statement as October 2004. Complainant states that the deceased as well as her husband shifted to some other premises. The premises in which applicants are residing are admittedly not the same, although, they may be in the same town. It is clear from the statement that the deceased died unnatural death allegedly on 28th December 2004. Thereafter, dead body was burried and the complainant along with her husband left for Haj pilgrimage and returned on 13th February 2005. According to the complainant that for the first

time on 13th February 2005 i.e. after nearly two months from the incident she told father of deceased about this unnatural death.

2. Apart from above, considering that the acts alleged against the applicants not being solely responsible for the death of deceased and prima facie, they assisted their brother in disposal of dead body, the sessions judge was in error in rejecting bail application of applicants.

3. Applicants' case can be considered in the light of aforesaid material. They deserve to be enlarged on bail with stringent conditions. Mr.Mundergi states that they have no criminal antecedents. They have business in Bhivandi. Hence, following order:-

i) Applicants shall be enlarged on bail in connection with C.R.No.I-39 of

2005 registered with Bhoiwada Police Station in the sum of Rs.20,000/- each with one or two sureties in the like amount.

ii) Applicants shall report to Bhoiwada police station once in a fortnight till the trial is concluded.

iii) Applicants shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicants shall cooperate with the learned Trial Judge for expeditious hearing and disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) All parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)